

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64150 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- BARARI District- Katihar

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KUMOD YADAV, aged about 30 years, Male, Son of Shyam Yadav, Resident of village- Karha Gola, P.S.- Barari, District- Katihar... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Adv.

For the Opposite Party : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-10-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Barari P.S. Case No. 22 of 2019 registered under Sections 302, 120B and 34 of the Indian Penal Code and 27 of the Arms Act.

The accusation is that when the informant, Guddu Yadav, reached at Barari Hat, then, saw that Mithun Malakar was scuffling with his elder brother, Amit Yadav, then, he pacified the dispute and proceeded from their, along with his brother, Amit Yadav for house. In the say, Mithun Malakar, Jaikar Malakar and Sonu Mahto came boarding on a motorcycle and over taken the motorcycle of the informant, thereafter, Jaikar Malakar and Sonu Mahto pulled Amit Yadav, the brother of the informant, from the motorcycle and Mithun Malakar shot fire at neck and Amit Yadav died on the spot. At that time,



2-3 persons were also present there.

Submission is that the petitioner is not named in the first information report and his name has surfaced in the confessional statement of the co-accused, Mithun Malakar. Further, submission is that while the petitioner was accused in Barari P.S. Case No. 2 of 2015 registered under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act, but, has acquitted in the said case.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Barari P.S. Case No. 22 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, V, Katihar, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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